

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:06-cv-00193-MR
(CRIMINAL CASE NO. 4:98-cr-00144-MR-1)**

LLOYD ANTHONIE WILLIAMS,)
)
 Petitioner,)
)
 vs.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
 _____)

ORDER

THIS MATTER is before the Court on Petitioner's "Request for a Certificate of Appealability" [Doc. 34].

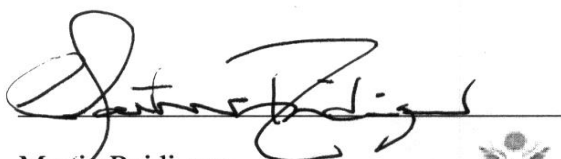
Petitioner moves for a certificate of appealability regarding the denial of his motion to vacate filed pursuant to 28 U.S.C. § 2255. [Doc. 34]. Petitioner, however, has already appealed this Order. The Court of Appeals denied Petitioner's motion for a certificate of appealability and dismissed his appeal. Williams v. United States, 307 F. App'x 726 (4th Cir. 2009). Because Petitioner has already appealed the denial of his motion to vacate, Petitioner's present motion must be denied.

Pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, the Court declines to issue a certificate of appealability as Petitioner has

not made a substantial showing of a denial of a constitutional right. 28 U.S.C. § 2253(c)(2); Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003) (in order to satisfy § 2253(c), a petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong); Slack v. McDaniel, 529 U.S. 473, 484 (2000) (holding that when relief is denied on procedural grounds, a petitioner must establish both that the correctness of the dispositive procedural ruling is debatable, and that the petition states a debatably valid claim of the denial of a constitutional right).

IT IS, THEREFORE, ORDERED that Petitioner's "Request for a Certificate of Appealability" [Doc. 34] is **DENIED**, and the Court declines to issue a certificate of appealability.

IT IS SO ORDERED.


Martin Reidinger
United States District Judge

